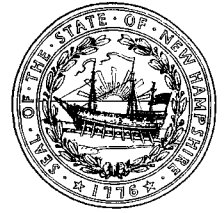




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

May 17, 2005

**CERTIFIED MAIL**  
**7099 3400 0018 1293 9694**  
**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**  
**No. WMD 05-10**

Kingston Foreign Auto  
44 Route 125  
Kingston, NH 03848

Attn: Robert Geoffroy, Owner

**Re: Kingston Foreign Auto**  
**Kingston, New Hampshire**  
**EPA ID # NHD981890924**

Dear Mr. Geoffroy:

On February 10, 2005, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Kingston Foreign Auto ("Kingston") in Kingston, NH as a follow-up to an inspection that had been conducted on May 22, 2001. The purpose of the inspection was to determine Kingston's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection on February 10, 2005, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 510.02(d) - Manifest Copy Distribution

At the time of the inspection, Kingston had not submitted copies of the following eleven (11) hazardous waste manifests to DES.

- 1) Manifest No. MAQ105474, dated 02/13/02
- 2) Manifest No. MAQ231483, dated 06/07/02
- 3) Manifest No. MAQ218842, dated 09/23/02
- 4) Manifest No. MAQ312693, dated 01/06/03
- 5) Manifest No. MAQ437865, dated 05/07/03
- 6) Manifest No. MAQ445522, dated 06/11/03
- 7) Manifest No. MAQ739365, dated 09/02/03

- 8) Manifest No. MAQ721913, dated 12/12/03
- 9) Manifest No. MAQ794295, dated 04/08/04
- 10) Manifest No. MAQ943223, dated 07/27/04
- 11) Manifest No. MAQ992631, dated 11/12/04

Env-Wm 510.02(d) requires that the generator retain one (1) copy of the manifest with signatures, and forward one (1) copy of the manifest with signatures to the destination state and one (1) copy to DES within five (5) days of shipment.

DES requests that Kingston submit copies of the above-listed manifests to DES, and properly retain and distribute manifest copies for future shipments of hazardous waste.

2. Env-Wm 512.01(a)(1) – Recordkeeping - Manifest Copies

At the time of the inspection, Kingston did not have on file eleven (11) copies of the following hazardous waste manifests certified by the designated facility, including:

- 1) Manifest No. MAQ105474, dated 02/13/02
- 2) Manifest No. MAQ231483, dated 06/07/02
- 3) Manifest No. MAQ218842, dated 09/23/02
- 4) Manifest No. MAQ312693, dated 01/06/03
- 5) Manifest No. MAQ437865, dated 05/07/03
- 6) Manifest No. MAQ445522, dated 06/11/03
- 7) Manifest No. MAQ739365, dated 09/02/03
- 8) Manifest No. MAQ721913, dated 12/12/03
- 9) Manifest No. MAQ794295, dated 04/08/04
- 10) Manifest No. MAQ943223, dated 07/27/04
- 11) Manifest No. MAQ992631, dated 11/12/04

Env-Wm 512.01(a)(1) requires that the generator keep all manifest copies, including the copy certified by the designated facility, for three (3) years from the date of signature by the generator.

DES requests that Kingston obtain copies of the eleven (11) hazardous waste manifests listed above, and properly retain these copies and copies of future shipments of hazardous waste.

3. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, one (1) 1000-gallon tank and one (1) 55-gallon container of used oil destined for recycling, were not labeled with the words "Used Oil for Recycle."

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requests that Kingston label all containers and tanks of used oil destined for recycling with the words "Used Oil for Recycle" at all times during accumulation and storage.

4. Env-Wm 807.09(b)(1) – Standards For Generators Of Used Oil Being Recycled

Env-Wm 807.09(b)(1) requires generators to notify DES when engaging in used oil marketing activity.

DES requests that Kingston complete and submit the enclosed notification form to notify DES of its marketing activities.

Please be advised that Env-Wm 807.08(a)(1)b. defines a marketer of used oil as persons who receive used oil from generators and produce, process, or blend used oil fuel from the used oils received.

However, if Kingston chooses instead to act only as a generator of used oil, (*i.e.*, accept automotive oil from persons generating used oil as a household waste) then you need to comply with the generator requirements of Env-Wm 807.06 in lieu of the used oil marketing requirement of Env-Wm 807.09.

5. Env-Wm 807.10 (b)(1) & (b)(3)– Standards for Burners of Used Oil Fuel

At the time of the inspection, Kingston stated that it burns used oil in an on-site space heater. No notification of this burner activity has been received by DES from Kingston.

Env-Wm 807.10(b)(1) requires burners of used oil fuel to notify DES in writing of their used oil management activities using the enclosed notification form. Env-Wm 807.10(b)(3) also requires owners and operators who intend to burn used oil fuel to notify the DES Air Resources Division (ARD) to secure any required permits prior to burning such fuels.

DES requests that Kingston complete the enclosed notification form to accurately reflect your current generator status and used oil burner activity. The completed notification form should be submitted to:

Ray Gordon, Supervisor  
Reporting & Information Management Section  
DES/WMD

PO Box 3900  
Concord, NH 03302

In addition, generators who burn used oil are required to notify the DES's Air Resources Division (ARD) in order to secure any necessary permits, and may be subject to other ARD regulatory requirements. We request Kingston pursue this issue by contacting Richard Rumba of ARD at 271-1987.

6. Env-Wm 807.10(b)(7) - Standards for Burners of Used Oil Fuel

At the time of inspection, Kingston stated that used oil was accepted from off-site for burning in an on-site space heater. Kingston further stated that the used oil accepted included used oil from automotive part stores and from Kingston residents as a household waste.

Env-Wm 807.10(b)(7)) requires used oil burners to perform analyses of the oil for the parameters as outlined in Env-Wm 807.02 and Env 807.03 unless the used oil burner has received the used oil fuel from a used oil fuel marketer that has tested the batch in question and provided a copy of the analytical report to the burner, the used oil burner is burning only used automotive oil that is generated on-site and/or the used oil burner is burning only used oil from persons generating the used oil as a household waste.

DES requests that Kingston conduct a used oil determination for the parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. These parameters include arsenic, cadmium, chromium, lead, flash point, and total halogens. Kingston should provide the results of the used oil determination to DES. Enclosed please find a summary of the used oil regulations and a list of analytical laboratories that perform the required testing.

Please be advised that if Kingston chooses to accept used oil from residents only as a household waste, then Kingston may omit the used oil determination so long as only used automotive oil that is generated on site or from residents as a household waste is burned. If Kingston chooses to continue accepting used oil from automotive part stores, Kingston may not omit the used oil determination.

7. Env-Wm 807.10(b)(9)b. -Standards for Burners of Used Oil Fuel

At the time of the inspection, Kingston did not have copies of all used oil fuel analysis reports.

Env-Wm 807.10(b)(9)b. requires burners of used oil fuel to keep copies of all used oil fuel analysis reports for three (3) years from the date that the used oil fuel is received at the burner's facility.

DES requests that Kingston keep copies of all used oil fuel analysis.

*Please be advised that Kingston does not have to keep copies of used oil fuel analysis reports if Kingston burns automotive used oil generated on-site and accepts used oil from residents only as a household waste.*

8. Env-Wm 807.10(b)(9)c.-Standards for Burners of Used Oil Fuel

At the time of the inspection, Kingston did not have on file copies of bills of lading for shipments of used oil received at the facility.

Env-Wm 807.10(b)(9)c. requires burners of used oil fuel to keep a copy of each bill of lading for three (3) years from the date that the used oil is received at the burner's facility.

DES requests that Kingston keep a copy of each bill of lading for three years from the date that the oil is received at the burner's facility.

*Please be advised that a bill of lading is not required for shipments of used oil that is dropped-off by residents as a household waste.*

9. Env-Wm 1102.03(c) and Env-Wm 1112.03(a) – Universal Waste Lamp Management

At the time of the inspection, one (1) universal waste lamp was not stored in a container. See the attached Container Inventory ("Inventory").

Env-Wm 1112.03(a) requires universal waste handlers to store intact and broken universal waste lamps in container(s) that meet the requirements of Env-Wm 1102.03(c). Env-Wm 1102.03(c) requires that containers must be closed, compatible with the universal waste and its contents, and free of defects, design characteristics or damage.

DES requests Kingston to ensure that all universal waste lamps are stored in containers that are closed; compatible with the universal waste and its contents; and free of defects, design characteristics, or damage.

10. Env-Wm 1102.03(a)(4) and Env-Wm 1112.04 - Universal Waste Lamp Management

At the time of the inspection, one (1) universal waste lamp was not marked with the words "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)" (see the attached Inventory).

Env-Wm 1112.04 requires universal waste handlers of lamps to ensure each universal waste lamp or container(s) holding universal waste lamps to be clearly labeled or marked with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

DES requests that Kingston clearly label or mark universal waste lamps and container(s) holding universal waste lamps with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Kingston can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Kingston including issuing an order requiring that the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Linda Birmingham, Waste Management Specialist  
DES/WMD  
P.O. Box 95  
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Multi-Media Partial Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous

waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Linda Birmingham, or Tod Leedberg of the Hazardous Waste Compliance Bureau at 271-2942. Thank you for your cooperation.

Sincerely,

 **COPY**

John J. Duclos, Administrator  
Hazardous Waste Compliance Bureau  
Waste Management Division

cc: DB/RCRA/LOD/Archives  
Anthony P. Giunta, P.G., Director, WMD  
Paul L. Heirtzler, P.E., Administrator, Waste Management Programs, WMD  
Gretchen Hamel, Administrator, DES Legal Unit

Enclosure: Hazardous Waste Generator Inspection Report  
Notification Form  
Summary of Used Oil Regulations